

**Village of Lansing  
Planning Board Meeting  
May 27, 2008**

The meeting of the Village of Lansing Planning Board was called to order at 7:30 P.M. by Chairman Ned Hickey. Present at the meeting were Planning Board Members Phil Dankert, Carol Klepack, Maria Sycos and Mario Tomei; Alternate Member Richard Durst; Trustee Liaison Lynn Leopold; Village Attorney David Dubow; Village Engineer Brent Cross; Code Enforcement Officer Ben Curtis; and Carla Marceau, observing for the Community Party; Harris and Michelle Benedict Jones, Val Gyrisco, and Betsy Darlington from the Fingerlakes Land Trust.

**Public Comment:**

Carla Marceau introduced herself as the observer for the Community Party and commented on the extraordinary irises that Trustee Liaison Leopold had planted around the Village Office. There being no one else present who wished to speak, Sycos moved to close the Public Comment Period. Seconded by Klepack. Ayes by Hickey, Dankert, Sycos, Klepack, and Tomei. Motion carried.

**Special Permit #2275 – 52 Twin Glens Road, New House – Public Hearing**

The first item on the agenda was Special Permits #2275, Harris and Michelle Benedict Jones, to construct a single family house at 52 Twin Glens Road in the Low Density Residential District, Tax Parcel Number 48.1-2-6. Because the property includes land in both the Steep Slope and the Unique Natural Area Conservation Combining Districts, and construction will occur within 200' of the centerline of a stream included in the Drainageway Conservation Combining District, special permit review is required pursuant to Section 145-48 of the Village of Lansing Code.

Hickey noted that the information provided by the applicant seemed comprehensive and that the applicants did not need to make a presentation unless there was something they wished to add. Michelle Benedict Jones stated that they were not 100% sure that the plan they submitted would be the final plan for their new house and she therefore requested that the Planning Board consider the approval for a house in general similar to the one submitted to be built within a window roughly of the size and location shown. Hickey stated the Board would proceed on that basis. He then requested that Village Engineer Cross give his report.

Cross presented the following report:

“As required for a Special Permit in the Steep Slope and Unique Natural Area Conservation Combining Districts, I have reviewed the site plan and inspected the site for any potential impacts the construction project may have on drainage and soil erosion/sedimentation. I have made the following observations and comments:

1. The Site Plan does not have specific dimensions, nor did the site have any stakes,

to locate the building on the site. There is a “level” area on the site that appears to be the intended house location.

2. The lot is generally sloped from east to west, with a series of natural terraces. These terraces are not identified on the contour map that was downloaded from the Tompkins County GIS website. There is an extremely steep slope from the terrace area, north to the adjacent stream.
3. Due to the lack of specific dimensions on the Site Plan, it is not possible to verify if the footprint of the house will lay within the UNA, but it is clear that the footprint will lay in the Steep Slope area.
4. Provided that the footprint of the house is to be located on the apparent level terrace, there should be minimal impact to the site. Especially, upon completion of the work and establishment of lawn areas around the house.
5. Erosion and Sedimentation control during construction should be able to be handled in the traditional methods with a combination of silt fence and hay/straw bales around the low-side perimeter of the site.
6. Since the steepest slopes are to the north of the building area, I recommend that any roof/footer drains be directed to the west to allow the water to dissipate before eventually draining into the adjacent stream at the bottom of the “glen”.

Since the potential impacts of soil erosion and sedimentation should be minimal with proper mitigation, I recommend that the Planning Board approve this project. I further recommend that the Contractor provide a specific erosion control plan that can be reviewed prior to issuance of a building permit.”

Harris Jones confirmed that the location described as the likely location of the house sounded like it was in fact the proposed location.

Leopold directed the Board’s attention to the Abrams house shown in the areal photo submitted with the application. She noted that when that house was built, Mr. Abrams clearcut a large swath of trees in his steeply sloped rear yard, apparently to improve the view. Since that time there have severe storm water runoff and erosion problems affecting properties down slope from the Abrams property. Water leaving his property follows the old railroad bed and eventually breaks through washing out properties below the railroad bed and resulting in gullying she had not seen before the Abrams house was built and the trees cut down. She is very concerned about adding more impervious area – roofs, driveway, etc. – that will add to the stormwater runoff affecting those down slope properties.

Hickey asked Cross what sort of provisions there might be in the new stormwater regulations that

might remedy this problem such as detention ponds or something similar. Cross was not sure that the regulations would require a full storm water plan for a project such as this which would disturb less than ¼ of an acre. Hickey stated that he would like to see the house location staked out to get a better idea of where storm water would be going, and he would also like to see a plan to deal with the storm water to minimize any potential adverse impact. Harris Jones stated that he would not be adding significantly to the water moving down the slope and that he had some ideas how to minimize any impacts there might be. He noted that there is a road ditch along Twin Glens Road and that it discharges from a pipe down the slope and exhibited problems similar to those Leopold described. He would like to propose improving the Twin Glens storm water system and bringing his storm water to Twin Glen Road to be managed with the other run off. Hickey stated that he will request that Superintendent of Public Works John Courtney and Cross inspect Twin Glens Road and the terminations of its road ditches and make a recommendation for the next meeting.

Durst asked if the runoff might be directed to the Kates Hole stream to the north. Cross noted that the slope from the proposed building site to that stream was very steep and vulnerable to erosion unless the stormwater was hard-piped down to stream level which would probably not be feasible or desirable. It might be possible to direct the water westward and then down into Kates Hole rather than allowing it to follow the railroad bed south. When the applicant provides a more detailed contour map it will be easier to determine how the runoff can best be managed. In the past the Board was limited in the storm water management practices they might impose as a condition for approval of a single family house, but the new Stormwater Management Law may provide the authority and obligation to require a higher degree of stormwater control.

Stycos asked about the removal of trees. Hickey asked that when the applicants stake out where the house would be that they also stake the driveway and indicate which trees over 6" diameter at breast height they are proposing to remove. Benedict Jones stated that they planned to remove as few trees as possible to preserve the natural appearance of the site and did not plan to put in a lawn in the traditional sense. They will stake out the lot, mark the trees and notify Curtis who will in turn notify Board members so they can familiarize themselves with the site prior to their next meeting on June 9. Cross asked that the proposed septic system be marked as well.

Benedict Jones confirmed that their purchase offer for the property was contingent on Planning Board approval of their proposed house. Hickey stated that the Board could either approve the Special Permit this evening with conditions addressing the concerns raised or delay action until the meeting on June 9 when the Board would have answers to some of the questions raised and have had the opportunity to visit the site and better understand the concerns identified at tonight's meeting. The Board indicated it would prefer to delay approval until the June 9 meeting.

Klepack asked what the Village could do to limit tree removal to avoid the sort of adverse impacts that seemed to have resulted from the clearcutting at the Abrams property. Dubow responded that the Planning Board had employed various tools, most recently in the case of the Bolton Estate Subdivision where they had established limits of disturbance to prevent removal of vegetation beyond very

specifically designated areas. This action, because it pertains to a single family residence, is exempt under SEQRA, but the Village Code provides for its own environmental review. Under that review the Planning Board is obligated to consider issues such as those raised at tonight's meeting and the Board is empowered to attach conditions to any approval that it grants to mitigate adverse environmental impacts it may have identified in the course of its review.

Cross will investigate the discharge of stormwater from the Twin Glens Road ditches with Courtney. The intended use of the land beyond the end of the road will have some impact on what can be done to manage the discharge. If it will eventually be developed for a residence or another use that will require driveway access to Twin Glens Road, that will limit the storm water management practices that might be implemented there. Stycos stated that it was intended to remain a nature preserve and no development was anticipated.

Hickey stated that the Board had had a good discussion and identified a number of important issues. He would like to leave this agenda item at this point and resume the discussion on June 9<sup>th</sup> when the Board had more information. Curtis noted that the discussion had covered issues related to steep slopes and drainage ways, but had not touched on the issue of the Unique Natural Areas. Harris Jones responded that it was not their intention to disturb the area on the parcel which had been designated as part of a Unique Natural Area. Curtis stated that by incorporating that intention into a condition of approval the Board might resolve the matter without the necessity of a biological survey.

Benedict Jones provided proof of mailing to contiguous property owners. Hickey opened the public hearing. There being no one present who wished to speak, Dankert moved to close the Public Hearing. Seconded by Tomei. Ayes by Hickey, Dankert, Stycos, Klepack, and Tomei. Motion carried.

At Dubow's suggestion, Hickey asked the Board members to familiarize themselves with Section 145-61(B) of the Village Code prior to the meeting on June 9. The Section explains how the Planning Board must consider Special Permit approvals in the various Conservation Combining Districts.

**Inservice Training:**

*Stewardship of Public Lands – Betsy Darlington, Fingerlakes Land Trust*

Hickey Asked Klepack to introduce the guest speaker, Betsy Darlington of the Fingerlakes Land Trust. Klepack stated that Darlington has been an activist in the field of land preservation for many years as both the Village Planning Board and Board of Trustees recognize the importance of preserving the land the Village has acquired over the years, there is much the Village can learn from the Land Trust. Klepack has recently volunteered to act as a steward for one of the parcels for which the Land Trust holds a conservation easement and she has become aware that the Land Trust has developed a system for monitoring their properties and their easements. Klepack stated that initiating such a process now would be particularly timely given the recent approval of the Bolton Estate Subdivision with its substantial conservation easement along the cliffs. Along with the easement the

Village is assuming a great responsibility to protect this sensitive and vulnerable area. Darlington is at the meeting to explain how their system works and answer any questions the Board may have.

Darlington explained that a Conservation Easement permits the Trust to protect land without owning it and often the owner does not wish to relinquish ownership. Sometimes the Trust would prefer not to own a property as long as it can ensure that it will be maintained in its natural state. A Nature Preserve is open to the public which can be desirable in some situations and less so in others.

She asked how many parcels and conservation easements the Village owned. It was explained that the Village does not currently own any such easements, and the only conservation easement that the Village contemplates owning is the conservation easement for the environmentally sensitive area along the cliffs of the Bolton Estate Subdivision. It owns a number of smaller parcels scattered throughout the Village acquired as recreation land in the course of subdivisions. The Village also received as a donation the Edleman property originally included in the Kensington Subdivision and more recently has acquired property designated as stormwater management practices. Some of the properties are part of the Green Way Plan. Curtis noted that in addition to this land there are also parcels designated as "open land" as part of cluster subdivision approvals where development is restricted, but the land is owned by homeowners associations and not by the Village.

Darlington said she would explain to the Board what the Fingerlakes Land Trust does with its 60 Conservation Easements and 26 Nature Preserves. Most of them have a volunteer steward like Klepack. These volunteers go out each year armed with a camera and notebook to document conditions on their sites. Someone in the office oversees and tracks the work of the volunteers. The volunteers check the boundaries which are marked with 5"x 5" aluminum signs and blazing, and confirm that the boundaries are still identifiable. This can be quite a job as boundaries are some times hard to find or get to through thick brush, but the volunteers do their best. In the case of easements, they are generally accompanied by the property owner. The Trust uses a standard checklist form, one for easements and another for preserves which the volunteers complete and take pictures to include in the report. If they discover any problems such as encroachments they take the information back to the office where the staff (rather than the volunteer) follows up.

The first step for the Village would be to mark the individual parcels. The Land Trust uses 5" x 5" aluminum signs they get from Voss Signs in Manlius. They should be spaced so that you can see one sign from another. The Trust also augments its signs with paint blazes in between. Stycos noted that it is often difficult to identify the boundary line even if you have a map and she wondered how the Trust identifies the boundary lines. Where there are no clear monuments, survey pins or other markers, it is often necessary to have a surveyor mark the boundaries initially and the Trust must maintain the boundary signs and markers. It can be an expensive and cumbersome process to identify boundaries in the first place and there must be an ongoing effort to maintain the markings from year to year.

Darlington stated that in her experience most people want to do the right thing and that by marking boundaries the Village will make it easier for them to do so. Most of the time encroachments are

inadvertent because people easily misconstrue where boundaries are in the absence of signage or markings to let them know. Klepack asked whether, if encroachments went on for a long time unnoticed, could the Village lose their rights to the property. Dubow responded that the requirements for taking land by adverse possession are quite stringent and it is very unlikely that the Village would lose its property rights for any parcel for that reason.

Other steps the Village could take to initiate its land stewardship program would be producing an inventory of properties of the various types discussed earlier in which it has an interest. And then it could prepare a baseline document for each property with its boundary information, description, maps, special conditions, neighboring property owners, photographs, etc. It should not be a big file, but enough to give a steward or anyone else the basic information about the property and provide a reference point to identify changes in the future. Curtis noted that a lot of material is already on file as part of Planning Board approvals – surveys, environmental assessments, etc.

The Village or their representative should also make a point of getting to know the neighbors as they can be a very valuable resource in monitoring a property especially if they know where the property is, what it is intended for and who to call if something seems out of place.

Darlington emphasized that it is a lot of work and requires an ongoing commitment of time energy and resources to keep up. Ideally there would be a staff person designated to do much of this work. Just coordinating the volunteers requires some commitment of resources.

Curtis asked what the advantages are for someone to donate a Conservation Easement to the Trust or the Village. Darlington responded that New York State has just introduced a new tax incentive where the State rebates up to 25% of property tax paid on a property for which a Conservation Easement has been granted, exclusive of improvements like a house. Assessors in New York State have not reduced assessments on property, however, even where the easement clearly limits “highest and best use”. From the Land Trust’s point of view, this is not all bad as they do not want to be seen as lowering the tax base, and there could well be controversy if properties were being devalued or removed from the tax rolls, but the public was restricted from enjoying the properties. The rebate comes from the State and does not reduce local property tax revenue.

Hickey thanked Darlington for her presentation. She gave the Board a sample check list that the stewards of the Nature Preserves use for their annual visits. Curtis will make copies for the Board Members. Darlington also suggested the Board contact Ed Marx at the County Planning Office to find out what other municipalities had done or if they were undertaking similar programs to manage their public land; she suspected the Village may be out ahead of most. Klepack will contact Marx. Dubow noted that the State is currently promoting projects for intermunicipal cooperation and grant money may be available to coordinate this sort of effort among, for example, the municipalities in Tompkins County.

Cross noted that, as part of the Village’s responsibilities under the EPA Phase 2 Regulations,

maintaining a record of the storm water management practices in the Village along the same lines as the stewardship program would be a good idea.

### **Other Business as Time Permits:**

Hickey directed the Board's attention to a proposed ordinance from the Town of Lansing to facilitate installation of small residential wind mills. He noted it was a sign of the times and may be something the Village will be considering some day.

Stycos reminded the Board that during the review of the Bolton Estate Subdivision an effort was initiated involving the County, the State, the Fingerlakes Land Trust and the Village to leverage State funds to purchase the sensitive area along the cliffs. Hickey confirmed that that initiative had moved forward and that an appraisal had been done, largely at Village expense, and the matter was in the hands of Mayor Hartill and the Trustees. Dubow noted that ultimately it would be up to the owner whether to sell the property and at what price. Regardless, however, the Village will still own the Conservation Easement and Special Permit approval is still required for development of the more sensitive lots along with the other conditions imposed as part of the approval for the Subdivision.

### **Approval of Minutes**

Curtis reported that the minutes for the May 12 meeting were done, but not in time to include in the packets and therefore their approval will be carried over to the next meeting.

### **Reports**

Tomei reported from the Trustee meeting that Leopold had presented the Annual Stormwater Management Report. Dave Putnam from TG Miller Engineers and Surveyors had reported that discussions were underway to relocate parking at the Northwood Apartments entrance drive and reconfiguring the drive as part of the ongoing process whereby the current owners will be turning over ownership of the driveway to the Village so that the Village can develop it into a boulevard style road connecting to Wood Thrush Hollow Lane. The Trustees also received a report on the Dart Drive sidewalk project which looks like it will not happen until next year. The Village has hired a new employee, Adam Lalonde, for the Public Works Department; there is more infrastructure to take care of and Courtney has to spend more time keeping up with paperwork. Finally, Tomei noted that the Trustees had discussed the proposed changes in the Town Zoning Ordinance and Subdivision Regulations that the Planning Board had discussed at their last meeting. Mayor Hartill indicated that, given the initial response from the various interested parties, the Town was probably going back to the drawing boards to revise or scrap the proposals.

Hickey also attended the Trustee meeting to bring them up to date on Cornell's impending request to rezone the portion of their land south of Rt. 13 and east of Warren Road which is currently Medium Density Residential to Business & Technology. The Trustees appeared generally supportive of the plan. They favored reconstructing the Arrowwood entrance to Park View Health Care Campus into a boulevard configuration like the Brown Road entrance into the Business and Technology Park in order to address concerns about emergency access. Depending on what traffic studies determine during the

development process, additional measures may be required as well.

Hickey noted that now the Village has more flower beds to take care of as well; he is thinking that maybe some of the adjacent businesses should be approached to see if they would adopt a flower bed and take care of it. The Village could approach Cayuga Landscape for an estimate to maintain each of the beds and then ask individual businesses if they would sponsor the garden proximate to their property. He noted that the landscaping in front of Audrey Edelman always looks nice and they contract with Cayuga Landscape to take care of that area. Triphammer Mall does a nice job with their landscaping as well. The Village might also approach volunteer groups like the service clubs, gardening clubs, Scouts or interested individuals. It is clear the Village lacks the staff to do it as a regular Village function. Leopold will bring the issue up at the next Trustee meeting.

Hickey confirmed that the Members would be credited with 1 hour of inservice training credit for Darlington's presentation.

**Adjournment:**

Stycos moved to adjourn at 9:00 P.M. Seconded by Klepack. Ayes by Hickey, Stycos, Klepack, Dankert and Tomei. Motion carried.